

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

COMMONWEALTH OF PUERTO RICO, et al.,

Defendants.

CIVIL NO. 12-2039 (GAG)

INFORMATIVE MOTION REGARDING ORDER, DKT. 1463

TO THE HONORABLE COURT:

COME NOW Defendants Commonwealth of Puerto Rico and Puerto Rico Police Department (“Defendants” and/or “PRPB”), by and through the undersigned counsel, and respectfully inform as follows:

1. On April 30th, 2020, the Court issued Order at Dkt 1463 related to the May 1 event. In compliance thereto, a copy of said Order was provided to the Secretary of Justice, the Secretary of the Department of Public Safety and the Governor of Puerto Rico.

2. With respect to the Order, first and foremost, Defendants have always recognized the right of those that wish to protest within the boundaries afforded by the First Amendment and applicable jurisdiction. The Governor of Puerto Rico, as Governor and as a former Secretary of Justice for the Commonwealth, the Secretaries of the Departments of Justice and Public Safety, and the Commissioner of the PRPB, are firmly committed to law enforcement and the rule of law, which includes the rights of the citizens of Puerto Rico to protest, rights which are protected by the Constitutions of the United States and Puerto Rico.

3. As the Court correctly points out, the current circumstances due to the COVID-19 pandemic are extraordinary and therefore require appropriate measures. That is why the Governor has

taken affirmative actions and issued Executive Orders to protect the health, safety and wellbeing of all under the current COVID-19 pandemic circumstances.

4. Defendants' main goal, during the May 1 event, is to safeguard the constitutional right of those who want to protest, while protecting the health and safety of all, citizens and police officers included. Therefore, Defendants have called upon all those that will participate in any public demonstrations to do so in an orderly fashion; respecting the guidelines issued on social distancing, and other health-related measures to protect against COVID-19 contagion; and respecting the transit/vehicular restrictions implemented in Old San Juan and other areas of the City intended to protect the health and safety of its citizens.

5. The Court can take judicial notice of the fact that the Municipality of San Juan and the metropolitan area are where the highest number of residents have tested positive to COVID-19, with 491 cases reported to date. Also, as the Court is fully aware, social distancing and prudent interaction between individuals leaving their homes have proven the most important measures to limit the contagion of COVID-19. Therefore, maintaining orderly transit and interaction between our citizens while they engage in their daily activities, including the exercise of their constitutional rights to freedom of expression, is of utmost importance to guarantee their safety. Our healthcare professionals have unanimously encouraged such action.

6. The Commonwealth notes that this Court has taken appropriate measures to protect its employees and the citizenry in general from the COVID-19 virus.

WHEREFORE, Defendants respectfully requests that the Court take Notice of the above.

RESPECTFULLY SUBMITTED.

WE HEREBY CERTIFY: That today we have electronically filed the foregoing document with the Clerk of the Court for the District of Puerto Rico, using the CM/ECF system which will send a copy and notification of filing to all counsel of record.

In San Juan, Puerto Rico, this 1 day of May, 2020.

By:

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